7/8/70

Mr. Richard G. Kleindienst, Deputy Att'y. Gen.
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Kleindienst,

In writing you June 10, I suggested I could explain something in FBI Exhibit 60 that might be troublesome in the future and might be susceptible of innocent explanation. Thanks to the two prints enclosed with your letter of July 6, I believe I can now do this with fair certainty.

Any examination of FBI Exhibit 60, with even the limited magnification permitted by the photoengraving screen, discloses that the upper left-hand insert of the enlarged hole in the back of the shirt does not coincide with the unenlarged hole in the shirt itself. One of the most obvious discrepancies is that in the enlargement the damage not pass the left-hand edge of the vertical stripe of the shirt pattern, whereas in the unenlarged view of the entire back it does. That this was undetected and unreported by the Commission and its technical experts, the FBI, which made the exhibit, should give you an kind of view of the investigation and the care with which evidence was prepared and examined.

By comparing the enlargement you were kind enough to send me with the unenlarged shirt picture, I am now fairly confident that the insert was printed upside down, that if it is reversed the holes seem to be identical. Furthermore, the photo you sent me shows more than the insert in FBI Exhibit 60. If you have a duplicate print of what you sent me, you will see it is *still* labelled upside down. The legend added partly obliterates the neckband, and that is the *bottom* of the picture.

The questions I still have about this evidence are far from answered. However, I am satisfied that this is a manufactured, if inexcusable, discrepancy. I now ask you a rhetorical question, one to which it would be unfair to ask or expect any answer, for you were not in your present position at the time of this affair, but what might have been the impact of this discrepancy if flaunted by the defense, in open court, before a jury, without the explanation I offer you? Again, I expect no answer of you, but what does this little thing tell you of the character and dependability of this evidence and the investigation?

Let me again preface response to the remainder of your letter with the explanation I know you have no personal knowledge of most of which you write, that you have to get your information from others. Without any such assurances from you, I believe you accurately reflect what you have been told. As I tried to inform the Attorney General as soon as he took office, on this subject his sources of information (misinformation) are identically the same as his predecessors had. In preparing you to respond to my questions about the spectrographic analysis they referred you to the least definitive of the only undefinitive statements that are available in the Warren Commission evidence. When Mr. Frazier testified that the science of spectrography showed no more than that "the various items 'were found to be similar in metallic composition'" he was saying exactly what I told you, only that they were all of lead, not a bit more. Spectrography is a very precise science. It gives the finest readings of compositions, including of the added elements. If it shows only similarity it shows the samples are not of common origin. His testimony would cover most of the bullets ever made, various plumbing materials, type-lead and a wide assortment of other objects.

If you doubt my word on this, why not get someone to supply you with a definition or description of the science, from almost any standard source, and not through your usual channels, for by now you should be in a position to wonder how well you are being informed.

Your paragraph dealing with the documents relating to the late David Ferrie is a rather tricky formulation. Because I intend to carry this forward, as you should know, I cannot respond with the forthrightness and completeness my earlier correspondence offered. However, I will tell you it is not consistent with the reality, of which I have repeatedly written, and you should look forward to facing in court what you do not describe, what your Department does have - and what I will produce, for I do have it. These things do not meet the proffered or any other standards for withholding. Nor is the matter simply one of the Commission doing what your last sentence says - and that, too, was not done. You might want to consider what was obtained for the Commission and then withheld from it, by your Department. Believe me, I do have the proof. Nor am I referring to a single case only. However, I am trying to help you to help yourself, for as I have repeatedly tried to let the government know, my purpose is the pursuit of fact and truth, not scandal. If you doubt me on this, I will prove it to you with two cases involving no possibility of any withholding under either the law or the guidelines, if on my proving both the withholding and the character I attribute to it you will provide me with copies. Again, I am trying to be open with you, so I tell you that when I can I will be filing DJ-118 forms in both cases. These two instances are not of immediate priority with me, but they surely will illustrate my point, without jeopardy to the actions I plan.

I do accept your assurances in your final paragraph and, so far as your Department is concerned, will let this matter rest there. However, I tell you candidly that if your penultimate paragraph, dealing with the "missile", is correct, this is even worse than if it is not. I do believe you are telling me exactly what you were told. I suggest you have been inadequately informed and that you will not be adequately informed because those in your Department who should know the truth dare not tell you. I hesitate to carry this further at this point. However, because I do not desire that you personally be hurt by the fact that you occupy the position you do, I will assure you that Exhibit 399 does not account for the lead in the President's head. My proof is beyond question or refutation, as, I regret, you will learn in the forum to which the government forces me.

You may regard me as you will. Mr. Volpe, was aware that I offered to try and be helpful in speaking to him. If this letter does not persuade you I am a fool, should it not suggest my motives might be what I represent them to be?

Sincerely,

Harold Weisberg